

**ORDINANCE NO. XX-16**

**AN ORDINANCE OF THE CITY OF OAKLEY CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF OAKLEY AND NATURE PROPERTIES, LLC. FOR THE CONSTRUCTION OF THE MAIN STREET IMPROVEMENTS FROM 2ND STREET TO 5TH STREET IN ASSOCIATION WITH THE MAIN STREET REALIGNMENT PROJECT (DA 02-15)**

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**RECITALS**

**WHEREAS**, the City has enacted a Development Agreement Ordinance, Title 9, Chapter 3 of the Municipal Code establishing the procedures and requirements for the consideration of development agreements pursuant to California Government Code Section 65864 et seq.; and

**WHEREAS**, this is a City initiated Development Agreement (DA 02-15) by and between the City of Oakley and Nature Properties, LLC. for the construction of the Main Street improvements from 2nd Street to 5th Street in association with the Main Street Realignment Project. The Development Agreement would require Nature Properties, LLC. to construct the first phase of 2-story, mixed-use project in conjunction with the construction of the Main Street Improvements. The project site is within the Downtown Specific Plan (SP-4) Zone District and is specifically within the Downtown Core Area. The project area is located on the north side of Main Street, between 2<sup>nd</sup> Street and 5<sup>th</sup> Street, at APN's 035-122-008 and 035-164-002; and

**WHEREAS**, the Main Street Improvements were anticipated in the Downtown Specific Plan Certified Environmental Impact Report (SCH No. 2008112089). The buildings anticipated on APN's: 035-122-008 and 035-164-002 will require a subsequent entitlement and additional CEQA review. The proposed development agreement does not create any new significant impacts; and

**WHEREAS**, on December 8, 2015, the City Council held a properly noticed public hearing at which it considered the Development Agreement (DA 02-15), Staff Report, Oakley 2020 General Plan, the City's Zoning Ordinance, and all comments received in writing and all testimony received at the public hearing (together the "Record"); and

**WHEREAS**, the Development Agreement (DA 02-15) is consistent with the Downtown Specific Plan (SP-4) and will provide for orderly growth consistent with the goals, policies, and other provisions of the General Plan; and

**WHEREAS**, for those reasons, the City has determined that the project is a development for which the Development Agreement is appropriate in order to achieve the goals and objectives of the City's land use planning policies; and

**WHEREAS**, on the basis of (a) the foregoing Recitals, (b) the City of Oakley 2020 General Plan, (c) the Downtown Specific Plan and certified EIR and (d) the

specific conclusions set forth below, as supported by substantial evidence in the Record.

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Findings

Pursuant to Chapter 9.3 of the Oakley Municipal Code, the City Council of the City of Oakley hereby finds and determines as follows:

- A. Regarding the Development Agreement between the City of Oakley and Nature Properties, LLC.:
1. The Main Street Improvements are consistent with the objectives, policies, general land uses and programs specified in the Oakley 2020 General Plan. The Main Street Improvements, from 2<sup>nd</sup> Street to 5<sup>th</sup> Street, will provide a much needed improvement to an area of Main Street that has no frontage improvements;
  2. The Main Street Improvements are compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the frontage improvements are designed in compliance with the Oakley 2020 General Plan and the Downtown Specific Plan;
  3. The Main Street Improvements were anticipated in the Downtown Specific Plan Certified Environmental Impact Report (SCH No. 2008112089). The buildings anticipated on APN's: 035-122-008 and 035-164-002 will require a subsequent entitlement and additional CEQA review. The proposed development agreement does not create any new significant impacts;
  4. For the reasons set forth in Finding 3, the Project will not be detrimental to the health, safety and general welfare; and
  5. The Main Street Improvements will not adversely affect the orderly development of property. The Project will enhance the orderly development of property.

SECTION 2. Approval of the Amendment to the Development Agreement

The City Council hereby approves the Main Street Improvement and Development Agreement (DA 02-15) and authorizes and directs the Mayor to sign it.

SECTION 3. Recordation of Development Agreement

Within ten (10) days after the Mayor executes the Development Agreement, the City Clerk shall submit the Agreement to the County Recorder for recordation.

SECTION 4. Effective Date and Posting

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by

publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

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Kevin Romick, Mayor

ATTEST:

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Libby Vreonis, City Clerk

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Date